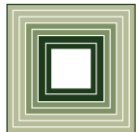


Joint Legislative Oversight Committee on Justice and Public Safety

Office of Indigent Defense Services

William Childs
Fiscal Research Division



14th Amendment to Constitution

§ 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

North Carolina Constitution

Art. I § 19. Law of the land; equal protection of the laws.

No person, shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Indigent Defense Services Act

- Article 39B of General Statutes
 - Passed by NCGA in 2000
 - NCGA concerned about AOC oversight of Private Appointed Counsel Contract
 - IDS began operations in July 2001
- Separate agency in the Judicial Branch from AOC
- AOC remains responsible for some IDS functions: Purchasing, Personnel, and IT

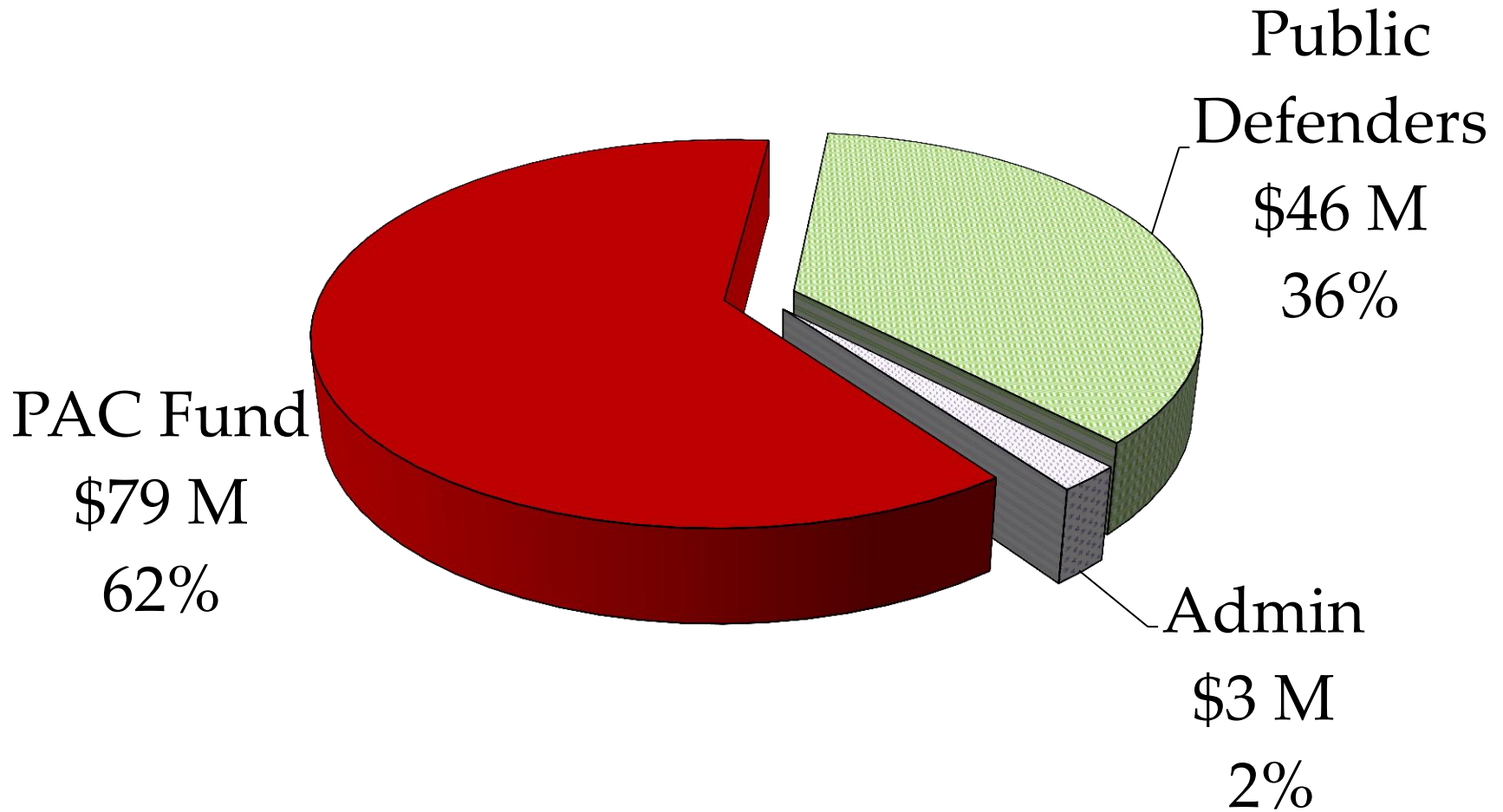
IDS Responsibilities (§7A-498.3)

1. **Overseeing the provision of legal representation to indigent defendants and others entitled to counsel under North Carolina law**
2. Developing training, qualification, and performance standards to govern the provision of legal services to indigent persons
3. Determining the most appropriate methods of delivering legal services to indigent persons in each judicial district
4. Providing services in the most cost-effective manner possible.

Legal Counsel For Indigent Persons

- State Public Defender Offices (PD)
 - In 16 of 42 District Court districts
 - May overlap in Superior Court districts
 - Includes Regional and Statewide Specialty Defenders
- Private Appointed Counsel (PAC)
 - Court-appointed private attorneys
 - Provides all indigent defense in areas without PD offices
 - Also assigned in counties or districts with PD offices when a PD cannot take a case
- Contract Defenders
 - Contracted private attorneys taking bulk PAC cases at pre-established rate

IDS Certified Budget FY 2013-14, Total: \$128 M



Source: OSBM, September 6, 2013 Certified Budget

Current Operations and Capital Improvements Appropriations Act of 2013, Senate Bill 402, Session Law 2013-360

RESOLVING CONFLICTS OF INTEREST IN PUBLIC DEFENDER OFFICES

SECTION 18A.6.(a) G.S. 7A-498.7 is amended by adding a new subsection to read:

"(f1) In cases in which a public defender determines that a conflict of interest exists in the office, whenever practical, rather than obtaining private assigned counsel to resolve the conflict, the public defender may request the appointment of an assistant public defender from another office of public defender in the region to resolve the conflict."

SECTION 18A.6.(b) The Office of Indigent Defense Services shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by October 1, 2013, and by October 1 of each year thereafter, on (i) the number of conflicts of interest that arose in public defender offices during the prior fiscal year and the cost to the State in private assigned counsel funds to resolve them and (ii) beginning with the October 1, 2014, report, the number of conflicts of interest resolved through the authorization in G.S. 7A-498.7(f1) during the prior fiscal year and the savings to the State in private assigned counsel funds as a result.